

Section 103(a) Rejection:

The Office Action rejected claims 16-18 under 35 U.S.C. § 103(a) as being unpatentable over Harada et al. (U.S. Patent 4,781,511) (hereinafter “Harada”) in view of Sims et al. (U.S. Patent 5,434,775) (hereinafter “Sims”). As set forth in more detail below, Applicants respectfully traverse this rejection.

Harada in view of Sims does not teach a method of tracking the location of a work piece within a manufacturing facility, wherein the work piece is located within a first fabrication area and is to be transferred to a second fabrication area, the method comprising: providing a database including a location entry for the work piece, wherein the location entry indicates the work piece is located within the first fabrication area; transferring the work piece from the first fabrication area to the second fabrication area; and updating the database location entry to indicate the work piece is located within the second fabrication area, as recited in claim 16. The Examiner notes that Harada does not teach the tracking features of Applicants’ claimed invention. The Examiner relies on Sims to teach the tracking features. However, Sims does not teach or suggest tracking the location of a work piece in a manufacturing facility between fabrication areas. In contrast, Sims describes managing an inventory of multiple portable devices in a hospital by determining the locations and conditions of devices on a network of communication links (Sims, col. 5, lines 4-9). Examples of such devices in a hospital setting include patient care devices such as infusion pumps, vital signs monitors, sequential compression devices, pacemakers, and EKG machines, as well as other types of devices (e.g., electric blankets) (Sims, col. 6, lines 16-20). Unlike work pieces referenced in Applicants’ invention, the portable devices have already been manufactured. Also, the hospital setting of Sims is clearly not a manufacturing facility having fabrication areas. The teachings of Sims do not pertain to work pieces being transferred between fabrication areas in a manufacturing facility.

Furthermore, the combination of Harada and Sims is improper because the technique used by Sims to track hospital devices could not be applied to the

semiconductor wafers of Harada. Sims uses an electronic “Tag 30 [that] includes an integrated circuit memory 32 disposed within a metal housing 34.... Housing 34 is press fit onto one end of a plastic card 44 ... the opposite end of which is ... attached to the device 12 by a tether 46 (e.g. an 18” steel cord).” Such a tracking device could not be attached to a semiconductor wafer during manufacturing without destroying the semiconductor wafer. Therefore, one of ordinary skill in the art would not have any motivation to apply the teaching of Sims to Harada.

Moreover, the Sims reference is not analogous art. “In order to rely on a reference as a basis for rejection of an applicant’s invention, the reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.” *In re Oeticker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). “A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor’s endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor’s attention in considering his problem.” *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992). Here, Sims is clearly not in the field of Applicants’ endeavor. The claimed invention deals with tracking the location of a work piece within a manufacturing facility including first and second fabrication areas. In contrast, Sims deals with managing an inventory of hospital equipment (Sims, col. 5, lines 4-9). Furthermore, the subject of Sims would not logically have commended itself to an inventor’s attention when considering the problem addressed by the claimed invention. One of skill in the art seeking to address the problem of tracking work pieces between fabrication areas in a manufacturing facility would not have any logical reasons for considering a technique used to manage an inventory of hospital equipment using a large tag on a plastic card attached to each hospital device by a tether. Thus, Sims is not within Applicants’ field of endeavor and is not pertinent to the problem addressed by Applicants’ invention. Accordingly, Sims is non-analogous art and cannot properly be used to reject Applicants’ claims.

Allowable Subject Matter:

Claims 19-22 were objected to as being dependent upon a rejected base claim but otherwise allowable if rewritten in independent form. Applicants assert that claims 19-22 are allowable as depending from patentably distinct base claim 16 for the reasons given above.

CONCLUSION

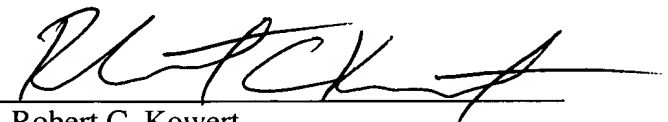
Applicants submit the application is in condition for allowance, and notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Deposit Account No. 501505/5000-83702/RCK.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

Respectfully submitted,



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Date: January 6, 2003